

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KEVIN TERRY,

Plaintiff,

-against-

21 CIVIL 8995 (GHW)

JUDGMENT

N.Y.C./D.O.C./V.C.B.C. WARDEN CARTER;
N.Y.C./D.O.C./V.C.B.C. CAPTAIN GUERRA;
3-AA HOUSING UNIT CAPTAIN;
N.Y.C./D.O.C./V.C.B.C. CAPTAIN JOHN DOE
INTAKE SUPERVISING CAPTAIN;
N.Y.C./D.O.C./V.C.B.C. CAPTAIN HORTON,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated February 6, 2023, the Court issued an opinion in this case on January 17, 2023 (the "Opinion"). Dkt. No. 24. In the Opinion, the Court held that Plaintiff had failed to exhaust his administrative remedies under the Prisoner Litigation Reform Act. However, the Court afforded Plaintiff the opportunity to submit a letter to the Court to inform it of any issues related to the unavailability of the prison grievance system. The Court stated in the Opinion that, if Plaintiff failed to submit the letter by February 3, 2023, the Court would dismiss this action. Plaintiff has not filed a letter to date. Accordingly, judgment is entered for Defendants. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); accordingly, the case is closed.

Dated: New York, New York

February 6, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk